

SPECIAL COUNCIL MEETING

AUGUST 6, 2013

The Special Council Meeting of the Council of the County of Kaua'i, was called to order by the Council Chair Jay Furfaro at the Council Chambers, 4396 Rice Street, Room 201, Lihu'e, Kaua'i, on Tuesday, August 6, 2013 at 2:33 p.m., after which the following members answered the call of the roll:

Honorable Tim Bynum
Honorable Gary L. Hooser
Honorable Ross Kagawa
Honorable Nadine K. Nakamura
Honorable JoAnn A. Yukimura (*present at 2:36 p.m.*)
Honorable Jay Furfaro

Excused: Honorable Mel Rapozo

APPROVAL OF AGENDA.

Mr. Kagawa moved for approval of the agenda as circulated, seconded by Ms. Nakamura, and carried by a vote of 6:0:2 (*Mr. Rapozo was excused and Ms. Yukimura was not present*).

Chair Furfaro: I believe Councilmember Yukimura is in the building and will be coming in here shortly.

RICKY WATANABE, County Clerk: On that note, Chair, Councilmember Rapozo will be here at 4:15 p.m.

Chair Furfaro: That is what I understand. Can we go to Public Comment, please?

PUBLIC COMMENT.

Pursuant to Council Rule 13(e), members of the public shall be allowed a total of eighteen (18) minutes on a first come, first served basis to speak on any agenda item. Each speaker shall be limited to three (3) minutes at the discretion of the Chair to discuss the agenda item and shall not be allowed additional time to speak during the meeting. This rule is designed to accommodate those who cannot be present throughout the meeting to speak when the agenda items are heard. After the conclusion of the eighteen (18) minutes, other members of the public shall be allowed to speak pursuant to Council Rule 12(e).

Chair Furfaro: Thank you. Is there anyone in the public who wishes to speak during our Public Comment section?

Mr. Watanabe: Chair, Ken Taylor signed up for public testimony, followed by Glenn Mickens.

Chair Furfaro: Okay. May the first speaker please come up?

KEN TAYLOR: We wanted to speak on the agenda item.

Chair Furfaro: That is what we are talking about right now.

Mr. Taylor: I thought you were on the Public Comment portion?

Chair Furfaro: You can comment on whatever you want in the eighteen (18) minutes in three (3) minute increments each.

Mr. Taylor: We will speak on the agenda item.

Ms. Yukimura: I think they want to do it under the regular rules as such.

Chair Furfaro: Okay. You want to do it under the regular rules so that way you get six (6) minutes each? Is that what you are telling me?

Mr. Taylor: Yes.

Chair Furfaro: Okay. May I ask the County Attorney to come up to read the Executive Session item?

There being no objections, the rules were suspended.

MARC E. GUYOT, Deputy County Attorney: Good afternoon, Chair and Councilmembers. Deputy County Attorney Marc Guyot for the record. I will read ES-660.

EXECUTIVE SESSION:

ES-660 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4) and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney, on behalf of the Council, requests an Executive Session with the Council, to consult with Special Counsel relating to the investigation of personnel matters involving the Office of the County Auditor and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities and/or liabilities of the Council and the County as they relate to this agenda item.

Chair Furfaro: Thank you very much.

Mr. Watanabe: You have two (2) speakers, Mr. Chair.

Chair Furfaro: Okay. Can the first speaker please come up?

GLENN MICKENS: Thank you, Jay. For the record, Glenn Mickens. I have a short testimony here for the viewing public. I would like to read it. You have a copy of it. Obviously, I am an "Ernie Pasion" supporter and by my previous testimonies— you know this. He and his Staff have more than done the job that you hired him to do. In my years of activity with our County government, I cannot remember many people that I have so staunchly supported. He and his staff have more than done the job that you hired them to do. This is an honest, highly qualified individual that you hired three (3) years ago and you made one (1) of the wisest choices you ever made in my estimation. I defy anyone on this Council to tell me that the Auditor and his Staff have not done a superb job and that their work

will save taxpayers millions of dollars. When all the positive facts that they did are looked at, why did this Council not restore the one hundred thirty-seven thousand dollars (\$137,000) cut that the Mayor made to let our Auditor continue his fine work? As Linda Estes has so well said in her letter to the forum, I hear that the Administration has cut the Auditor's budget enough to cripple the Office and the County Council want to fire Mr. Pasion. If so, the reasons for wanting to get rid of him should be made public. Otherwise, we will be led to believe it is retribution for what he uncovered in his audits. Remember that the members of this Council who voted against restoring his operating budget were just as complicit as trying to get rid of Ernie, as was the Mayor. Overwhelmingly, the public supports our Auditor and the work he has accomplished. I ask that all of you members who plan to run for office again, restore these cuts and allow him to bring more efficiency and cost savings to all of us. If anybody has any questions, I would happy to try and answer them for you. Thank you.

Chair Furfaro: There are no questions for you, Glenn.

Mr. Mickens: Thank you very much, Jay.

Chair Furfaro: Thank you. Next speaker, please.

KEN TAYLOR: Chair and members of the Council, my name is Ken Taylor. I am very disturbed about this process that the County is going through and what you folks are going through with these closed sessions on this issue related to the Auditor's Office without including the Department Head, so that things can be understood from both sides of the table. I think it is wrong that you continue to have these meetings and discussions without including the Department Head. It is just a very difficult situation to understand because there have not been any good explanations. We ask that something comes forward that at least better explains, so the public knows and understands a little bit better on what is going on, and that all of this is not just a witch hunt. I certainly have to agree with the testimony from Glenn that there are some real difficulties here, and they are not being explained. I think it is your right and obligation to keep the community informed. I realize that personnel matters and those kinds of issues need to be done and dealt with in closed session, but at the same time, there is a certain amount of information that should be able to be put out that explains better on what is going on and why. I hope as we move forward, you will find it appropriate to better inform the community as to what exactly is happening and why the Auditor's Office has not been included in this process. Thank you.

Chair Furfaro: Okay. There are no questions. I will call our meeting back to order. We need a motion to go into Executive Session.

There being no objections, the meeting was called back to order, and proceeded as follows:

Mr. Bynum moved to convene in Executive Session for ES-660, seconded by Mr. Kagawa, and carried by the following vote:

FOR EXECUTIVE SESSION:	Bynum, Hooser, Kagawa, Nakamura, Yukimura, Furfaro	TOTAL – 6,
AGAINST EXECUTIVE SESSION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Rapoza	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Chair Furfaro: Thank you. We are going to convene into the Executive Chambers now.

AJOURNMENT.

There being no further business, the meeting was adjourned at 2:44 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Ricky Watanabe', written in a cursive style.

RICKY WATANABE
County Clerk

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